

116TH CONGRESS
1ST SESSION

S. 3143

To ban certain rare earth magnets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2019

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ban certain rare earth magnets, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Magnet Injury Preven-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Small, rare earth, high-powered magnets
9 are commonly sold in sets of 200 or more individual
10 magnets.

11 (2) Rare earth, high-powered magnets pose a
12 hidden hazard to infants, children and teens.

1 (3) When two or more rare earth, high-powered
2 magnets are ingested, the force (or flux) allows
3 magnets to find each other across or between dif-
4 ferent segments of the digestive system.

5 (4) When magnets connect across or between
6 different segments of the digestive system the result
7 can be perforations, abscesses, or fistulas in the
8 bowel.

9 (5) Sometimes, the magnetic force causes the
10 intestine to twist, cutting off blood supply and lead-
11 ing to bowel necrosis.

12 (6) Ingestion of two of more rare earth, high-
13 powered magnets confers a high risk of abdominal
14 catastrophe and death.

15 (7) Children almost universally require high-
16 cost medical intervention following rare earth, high-
17 powered magnet ingestions.

18 (8) Evidence does not exist that warning infor-
19 mation will reduce the hazard associated with the in-
20 gestion of small, powerful rare-earth magnets from
21 magnet sets.

22 (9) The absence of regulatory action to rein-
23 state standards for rare earth, high-powered magnet
24 sets requires legislative action.

1 **SEC. 3. BAN ON CERTAIN RARE EARTH MAGNETS.**

2 (a) COVERED RARE EARTH MAGNET DEFINED.—In
3 this section, the term “covered rare earth magnet” means
4 any individual or set of separable, permanent magnets
5 that—

6 (1) is made from alloys of rare earth elements;

7 (2) is—

8 (A) a consumer product (as defined in sec-
9 tion 3 of the Consumer Product Safety Act (15
10 U.S.C. 2052)) that is—

11 (i) intended, marketed, or commonly
12 used as a manipulative or construction
13 item for entertainment, such as puzzle
14 working, sculpture building, mental stimu-
15 lation, stress relief, or for similar enter-
16 tainment;

17 (ii) not a toy subject to ASTM F963
18 (or any successor standard); and

19 (iii) not children’s jewelry that is sub-
20 ject to ASTM F2923 (or any successor
21 standard); or

22 (B) a component of a consumer product
23 described in subparagraph (A);

24 (3) is or contains any individual magnet that
25 fits completely within the small parts cylinder de-

1 scribed in section 1501.4 of title 16, Code of Federal
2 Regulations; and

3 (4) is or contains any individual magnet with a
4 flux index of greater than 50 kG² mm².

5 (b) BAN ON CERTAIN RARE EARTH MAGNETS.—Cov-
6 ered rare earth magnets shall be considered banned haz-
7 ardous products under section 8 of the Consumer Product
8 Safety Act (15 U.S.C. 2057).

9 (c) EFFECTIVE DATE.—Subsection (b) shall take ef-
10 fect on the date that is 90 days after the date of the enact-
11 ment of this Act and shall apply with respect to covered
12 rare earth magnets that are manufactured in or imported
13 into the United States after the date of the enactment of
14 this Act.

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